



### **INTERIM**

## **STATE OF NEW JERSEY MODEL PROCEDURES FOR PROCESSING INTERNAL COMPLAINTS ALLEGING DISCRIMINATION, HARASSMENT OR HOSTILE ENVIRONMENTS IN THE WORKPLACE**

Each State college/university, department, commission, and authority ("State entity") is responsible for implementing this model procedure, completing it to reflect the structure of the organization, and filing a copy of the completed procedure with the Department of Personnel, Division of EEO/AA.

1. All employees and applicants for employment have the right, and are encouraged, to immediately report suspected violations of the *State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace* (N.J.A.C. 4A:7-3.1).
2. Incidents of discrimination or harassment can be reported to either XXXXXXXXX (Name of Officer), the EEO/AA Officer, or any supervisory employee in the XXXXXXXXX (Appointing Authority). Incidents may also be reported to XXXXXXXXX (Authorized Designee).
3. Every effort should be made to report complaints promptly. Delays in reporting may not only hinder a proper investigation, but may also unnecessarily subject the victim to continued inappropriate conduct.
4. Supervisory employees must immediately report all alleged violations of the *State of New Jersey Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace* to XXXXXXXXX (Name of Officer), EEO/AA Officer. This includes both alleged violations reported to a supervisor, and those alleged violations directly observed by the supervisor.
5. If reporting a complaint to any of the persons set forth in paragraphs 2-4 above presents a conflict of interest, the complaint may be filed directly with the Department of Personnel, Division of EEO/AA, P.O. Box 315, Trenton, NJ 08625. For example, a complaint could be filed directly with the Division of EEO/AA where the individual against whom the complaint is made is involved in the intake, investigative, or decision-making process.

6. In order to facilitate a prompt, thorough and impartial investigation, all complainants are encouraged to submit a Discrimination Complaint Processing Form (DPF-481). An investigation may be conducted whether or not the form is completed.
7. Each State entity shall maintain a written record of the discrimination/harassment complaints received. Written records will be maintained as confidential records to the extent practicable and appropriate. A copy of all complaints (regardless of the format in which submitted) must be submitted to the Department of Personnel, Division of EEO/AA, by the State entity's EEO/AA Officer, along with a copy of the acknowledgement letter(s) sent to the person(s) who filed a complaint and, if applicable, the complaint notification letter sent to the person(s) against whom a complaint has been filed. If a written complaint has not been filed, the EEO/AA Officer must submit a brief summary of the allegations that have been made to the Division of EEO/AA. Copies of complaints filed with the New Jersey Division on Civil Rights, the U.S. Equal Employment Opportunity Commission, or in court must also be submitted to the Division of EEO/AA.
8. During the initial intake of a complaint, the EEO/AA Officer, or authorized designee, will obtain information regarding the discrimination/harassment complaint, and determine if interim corrective measures are necessary.
9. At the EEO/AA Officer's discretion, a prompt, thorough, and impartial investigation into the alleged harassment or discrimination will take place when necessary.
10. An investigatory report will be prepared by the EEO/AA Officer, or his or her designee, when the investigation is completed. The report will include, at a minimum: (a) a summary of both parties' positions; (b) summary of the facts developed through the investigation and (c) an analysis of the allegations and the facts. The investigatory report will be submitted to XXXXXXXX (Appointing Authority Head) who will issue final determination letters to the parties.
11. The XXXXXXXX (Appointing Authority Head) will review the investigatory report issued by the EEO/AA Officer or authorized designee, and make a determination as to whether a violation of the *State of New Jersey's Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace* has been substantiated. If a violation has occurred, the XXXXXXXX (Appointing Authority Head) will determine the appropriate corrective measures necessary to immediately remedy the violation.
12. The XXXXXXXX (Appointing Authority Head) will issue final letters of determination to both the complainant and the party charged, setting forth the results of the investigation and the appropriate right of appeal to the Merit System Board set forth in

items 13 and 14 below. A copy of the final letters of determination must be provided to the Department of Personnel, Division of EEO/AA.

a. The investigation of a complaint shall be completed, and final letters of determination shall be issued no later than 120 days after the initial intake of the complaint referred to in paragraph 8 herein.

b. The time for completion of the investigation and issuance of final letters of determination may be extended by the appointing authority head for up to sixty (60) additional days in cases involving exceptional circumstances. The appointing authority head shall provide the Division of EEO/AA, and all parties, with written notice of any extension and shall include in the notice an explanation of the exceptional circumstances supporting the extension.

13. Complainant's Appeal Rights - A Complainant who is in the career, unclassified or senior executive service, or who is an applicant for employment, who disagrees with the determination of the XXXXXXXXX (Appointing Authority), may submit a written appeal, within twenty days (20) of the receipt of the final determination letter to the Merit System Board, P.O. Box 312, Trenton, NJ 08625. The appeal shall be in writing and include all materials presented by the complainant at the department level, the final letter of determination, the reason for the appeal and the specific relief requested. Regulations governing the appeal process are set forth at *N.J.A.C. 4A:7-3.3* and *N.J.A.C. 4A:7:2-1.1*.
14. Respondent's Appeal Rights - In a case where a violation has been substantiated, and no disciplinary action recommended, the party charged may appeal the determination to the Merit System Board at the above address, within twenty (20) days of receipt of the letter of determination from the XXXXXXXXX (Appointing Authority). The appeal shall be in writing and include the final letter of determination, the reason for the appeal, and the specific relief requested.

If disciplinary action has been recommended in the final determination letter, the party charged may appeal using procedures for appealing a disciplinary action.

15. A complaint may be filed directly with external agencies that investigate discrimination/harassment charges in addition to utilizing this internal procedure. The time frames for filing complaints with the external agencies indicated below are provided for informational purposes only. Contact the specific agency to obtain exact time frames for filing a complaint. The deadlines run from the date of the last incident of alleged harassment/discrimination, not from the date that the determination letter is issued.

Complaint may be filed with the following external agencies:

**Division on Civil Rights  
N. J. Department of Law & Public Safety  
(180 days for violation of State law)**

Trenton Regional Office  
140 East Front Street  
6<sup>th</sup> Floor, P.O. Box 089 Trenton NJ 08625-0089  
Tel: (609) 292-4605

Newark Regional Office  
31 Clinton Street  
P.O. Box 46001  
Newark, NJ 07102  
(973) 648-2700

Camden Regional Office  
One Port Center  
2 Riverside Drive, Suite 402  
Camden, NJ 08103  
(856) 614-2550

Paterson Regional Office  
100 Hamilton Plaza, Suite 800  
Paterson, NJ 07505  
(973) 977-4500

**United States Equal Employment Opportunity  
Commission (EEOC)  
(300 days)**

Newark District Office  
1 Newark Center  
21<sup>st</sup> Floor  
Newark, NJ 07102-5233  
(973) 645-6383

Philadelphia District Office  
The Bourse Building, Suite 400  
21 S. Fifth Street  
Philadelphia, PA 19106-2515  
(215) 440-2600

Issued: December 16, 1999  
Revised: June 3, 2005  
See *N.J.A.C.* 4A:7-3.2

